

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-against-	:	<b><u>THIRD ORDER REGULATING</u></b>
	:	<b><u>PROCEEDINGS</u></b>
	:	
CHARLIE JAVICE and OLIVIER AMAR,	:	23 Cr. 251 (AKH)
	:	
Defendants.	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On January 17, 2024 and January 18, 2024, I heard arguments and made rulings regarding non-party JP Morgan Chase’s (JPMC) motion to quash Defendants’ Rule 17(c) subpoenas. I also set dates for further pretrial proceedings.

1. JPMC is to produce all documents in the possession or control of the custodians identified in Exhibit B to the transcript of argument, in all forms of media, responsive to the following categories related to its acquisition of TAPD, Inc., d/b/a Frank (“Frank”): overseeing and conducting due diligence prior to the acquisition date and, post the acquisition date, analyzing, assessing, and using Frank’s customer list for the following business purposes: marketing based on or concerning Frank’s user base, existing partnerships, and post-acquisition discussions regarding pre-acquisition valuation. *See generally* Jan. 17, 2024 Tr. at 20:12–28:13.
2. JPMC shall file by March 29, 2024 a complete and comprehensive privilege log consistent with the requirements of Local Rule 26.2. Defendants shall submit its objections directly to JPMC by April 30, 2024, and enter into

conversations with JPMC to resolve issues of privilege. JPMC shall file a modified privilege log, reflecting the results of such conversations, by May 16, 2024. The Court will hear privilege challenges, via a privilege sampling procedure outlined in the transcript, on May 30, 2024 at 2:30 pm.

3. Defendants shall disclose any affirmative defenses by February 12, 2024.
4. Defendants shall file any pretrial motions pursuant to Fed. Crim. P. R. 12 by April 5, 2024. Opposition briefs shall be filed by May 3, 2024. Reply briefs shall be filed by May 20, 2024. The motions will be heard and resolved on May 30, 2024 at 2:30 p.m.
5. The parties shall exchange expert disclosures by June 15, 2024, and supplemental expert disclosures by July 15, 2024.
6. The government shall file its preliminary exhibit list, witness list, and all other required disclosures by September 13, 2024.
7. Defendants shall disclose its preliminary exhibit list by September 30, 2024.
8. Motions in limine, jury charge proposals, and voir dire proposals shall be filed by September 27, 2024.
9. Briefs in opposition to the motions in limine shall be filed by October 9, 2024.
10. All disputed matters will be heard at the Final Pre-Trial Conference to be held, as previously set, on October 15, 2024 at 11 a.m.

### **CONCLUSION**

JPMC's motion to quash is granted and denied as reflected above and in the transcript of argument. The Clerk is instructed to terminate the open motion at ECF No. 73.

Time is excluded with consent of the parties and in the interest of justice until the scheduled onset of trial, October 28, 2024. *See* 18 U.S.C. 3161(h)(7)(A).

SO ORDERED.

Dated: January 19, 2024  
New York, New York

/s/ Alvin K. Hellerstein  

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ALVIN K. HELLERSTEIN  
United States District Judge